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### REMARKS

Claims 1 and 14 were rejected under 35 USC 102 as being anticipated by Chase et al, US Patent 6,081,524. Applicants respectfully traverse.

In Item 2 of the Detailed Action:

- The Examiner asserts that router 919 receives IP packets, encapsulates them into frame relay frames, and that those IP packets contain data.
- Based on col. 8, lines 46-50, the Examiner further asserts that the IP packet contain data.
- Based on col. 7, line 67 through col. 8, line 2, the Examiner still further asserts that network 500 routes the frame relays frames "in a manner determined by the priority information (located in the layer 4 information) included in the frame relate frames."

In the Response to Arguments:

- The Examiner reasserts the above, and points out that applicants' claim 1 does not require that the data is in the payload of IP packets and the priority information is in the IP header.

Rebuttal:

The col. 8, lines 46-50, passage cited by the Examiner states that:

Further, layer 4 information may be utilized to determine the quality of service. The quality of service may include, for example, one or more of the following: an information rate, priority information, delay, loss, availability, etc.

The mentioned "quality of service" pertains to layer 4, which is the application layer. This is the layer above layer 3, which is the "Internet Layer" of the ISO seven-layer model. It says nothing about the priority set within the Internet layer, and says nothing about from the even further removed layer 2 frame relay frames.

The col. 7, line 67, through col. 8, line 2, passage cited by the Examiner (starting at the beginning of the sentence) states:

As in the frame relay case, user data at the application layer and layer 4 requires the addition of a layer 3 network address header. In the CPE a decision is made based on information in layers 3 and 4 about which virtual private network (VPN), service class, or conventional PVC the packet should be routed to.

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Applicants respectfully disagree that this passage teaches routing frame relay frames "in a manner determined by the priority information (located in the layer 4 information) included in the frame relate frames." Actually, this passage appears to merely teach that information is present in layer 4 and an layer 3 so that a decision is made in the CPE "based on information in layers 3 and 4" about which private network(VPN), service class ,or conventional PCS the packet should be routed to." It is respectfully noted that none of the features mentioned (including "service class" refer to "priority information." In applicants' view, as with the previously cited passage, this passage provides no teaching about priority assignments in, or handling of, frame relay frames. Moreover, neither of the passages and no other passage in the reference teaches the notion of a priority information in the frame relay that is the priority information in the IP packets.

In contradistinction, claim 1 specifies the step of

encapsulating the data contained in the Internet protocol packets into frame relay frames containing the priority information (emphasis supplied)

It is noted that the article "the" which is highlighted above refers to the priority information previously defined; to wit, the priority information contained in the Internet protocol packets.

Since the Examiner has not pointed to anything in the reference that teaches or suggests this limitation, and since there appears to be no teaching or suggestion in the reference of this limitation even in passages not cited by the Examiner, it is respectfully submitted that claim 1 is not anticipated by the reference.

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In view of the above, it is respectfully submitted that all of the Examiner's rejections have been overcome. Reconsideration and allowance of claims 1-11, and 14 are respectfully solicited.

Respectfully,  
Hrair Aldermeshian  
Richard Hellstern  
Raymond Kimber  
Yonatan Levy  
John Medamana  
John Sikora

Dated: 1/26/05

By 

Henry T. Brendzel

Reg. No. 26,844

Phone (973) 467-2025

Fax (973) 467-6589

email brendzel@comcast.net